

CHAPTER 13-02-16 TRUST POWERS

Section

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13-02-16-01. Authorization. A banking association receiving approval by the board to exercise trust powers may exercise trust powers at its main banking house, banking house or office, paying and receiving stations, and drive-in and walkup facility locations. Only one application is required for a banking association. Trust powers granted by the board prior to the effective date of this chapter for the bank's separate banking house locations shall be considered to heretofore apply to all locations.

History: Effective June 1, 1994.

General Authority: NDCC 6-01-04

Law Implemented: NDCC 6-03-02(13), 6-03-13.1, 6-03-17, 6-05-01

13-02-16-02. Application. An original and ten copies of the application to exercise trust powers must be filed with the board. In lieu of an original application, the board may accept a copy of the application submitted to the federal deposit insurance corporation or federal reserve system. The applicant must provide any additional information determined by the commissioner or board to be relevant.

History: Effective June 1, 1994.

General Authority: NDCC 6-01-04

Law Implemented: NDCC 6-03-02(13), 6-05-01

13-02-16-03. Criteria for approval. The applicant must demonstrate that the proposed trust committee and officers have experience commensurate with the trust powers being requested. Upon granting trust powers, the board may require the applicant to commit to a training program of trust schools and seminars acceptable to the board. The board may also direct the applicant to enter into a training agreement with another trust company or bank.

History: Effective June 1, 1994.

General Authority: NDCC 6-01-04

Law Implemented: NDCC 6-03-02(12), 6-05-01

13-02-16-04. Publication. Upon filing an application, the secretary of the board shall cause to be published notice of the application for two successive weeks in the official newspaper of the county of the main banking house, and all locations. The notice of application must also be sent by certified mail by the secretary of the board to all banks and trust companies located within the banking trade area

association within ten days of final publication provided under this section. Any party must submit to the board written comments concerning the application, or a written request for an opportunity to be heard or both, no later than ten days after the date of final publication.

History: Effective June 1, 1994.

General Authority: NDCC 6-01-04

Law Implemented: NDCC 6-03-02(12), 6-05-01

13-02-16-04.1. Joint federal and state publication. Notwithstanding section 13-02-16-04, an applicant may elect to publish joint federal and state notice of the application pursuant to the procedural requirements of federal law. Before publication, the applicant shall submit the proposed notice of application to the commissioner for prior approval.

History: Effective January 1, 1999.

General Authority: NDCC 6-01-04, 6-03-02(12)

Law Implemented: NDCC 6-03-02(12), 6-05-01

13-02-16-05. Hearing. A public hearing by the board may be required on an application for trust powers whenever the board or commissioner determines that it is in the public interest to hold such a hearing or whenever an interested party's request for an opportunity to be heard is granted. Notice of hearing on an application must, if required, be issued at least forty-five days prior to the hearing on an application. The notice of hearing must be published by the secretary of the board for two successive weeks in the official newspaper of the county of the main banking house, banking houses or offices, drive-in and walkup facilities, or paying and receiving stations are located. The notice of hearing must also be sent by certified mail by the secretary of the board to all banks and trust companies located within the banking association's trade area.

History: Effective June 1, 1994.

General Authority: NDCC 6-01-04

Law Implemented: NDCC 6-03-02(12), 6-05-01